

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OLA KIRK

PLAINTIFF

VS.

CAUSE NO. 3:18-CV-00095-LG-LRA

**MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY;
MARSHALL L. FISHER, CHAIRMAN OF THE
MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY;
AND CHRISTOPHER GILLARD, CHIEF OF THE
MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY,
INDIVIDUALLY AND IN HIS OFFICIAL CAPACITY;
AND ALBERT SANTA CRUZ, INDIVIDUALLY AND
IN HIS OFFICIAL CAPACITY**

DEFENDANTS

**JOINT MOTION OF THE PARTIES TO RESCHEDULE THE
SETTLEMENT CONFERENCE; TO EXTEND DISCOVERY AND
MOTION DEADLINE; TO AMEND THE CASE MANAGEMENT ORDER;
TO CONTINUE THE TRIAL; AND FOR OTHER RELIEF**

COMES NOW the Plaintiff, **OLA KIRK**, and the Defendants, **MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY, ET AL**, by and through counsel, and files this their *Joint Motion of the Parties to Reschedule the Settlement Conference; to Extend Discovery and the Motion Deadline; to Amend the Case Management Order; to Continue the Trial; and for Other Relief* in the above-styled and numbered cause and in support of said *Joint Motion* of the parties in this action would show unto the Court the following, to wit:

1. Plaintiff, **OLA KIRK**, (“Plaintiff Kirk”) and Defendant, **MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY, ET AL** (“Defendant MDPS, et al”) would show that the parties are seeking this Court to reschedule the Settlement Conference set

for November 9, 2018; to extend the discovery and ***motion*** deadlines; to amend the ***Case Management Order*** of April 20, 2018; and to continue the trial in this action set for the two (2) week term beginning on May 6, 2019.

2. Plaintiff Kirk has recently undergone surgery and she is currently on approved leave for her surgery and recovery. Plaintiff Kirk is an employee of the Defendant MDPS. Plaintiff Kirk's return to work is not certain at this point in time.

3. As a result of Plaintiff Kirk's surgery in October 2018, and her ongoing physical therapy and recovery, the parties are seeking, *inter alia*, to reschedule the upcoming settlement conference set for November 9, 2018 and to extend the time for discovery and ***motion*** deadline; and continue the trial of this action.

4. The parties have been diligently conducting discovery and are in need of an extension, in part, based upon the matters addressed herein; and as a result of the claims against the Defendants MDPS, et al and the individual defendants named in this action.

5. The parties would show that Plaintiff Kirk has discovery outstanding that she needs to respond to when she is able to do so. The Defendants, MDPS, et al have accommodated the request for an extension of time for Plaintiff Kirk to respond to the discovery propounded to her in this action.

6. Furthermore, as a result of Plaintiff Kirk's recent surgery, the parties have been unable to schedule deposition that need to be taken in this action. Depositions will be scheduled as soon as the parties are able to do so.

7. As a result, the parties are requesting, for the reasons set forth herein, an extension of the discovery deadline for an additional ninety (90) days and to extend to the

motion and *Daubert* deadline to fifteen (15) days after the discovery deadline.

8. The parties would show that the extension of the deadline for the parties to designate experts and extension of the discovery and motion deadline and trial continuance by this Court will not impose any hardship or cause any delay in the proceedings; and the filing of this request is not for any delay in the proceedings but for the reasons set forth herein.

9. The parties would further request that the deadlines in the *Case Management Plan Order* entered on April 20, 2018, be so amended by this Court to reflect the extension of the deadlines; and the continuance of the trial set for the May 2019 term of Court.

10. The parties would further request that the dates of the Pre-Trial Conference, settlement conference and report due regarding ADR be so amended by this Court in view of the continuance of the trial set for the May 2019 term of Court.

11. The parties would show that the relief sought herein is not in an effort to delay the proceedings but for the reasons set forth herein and in the best interest of the parties to litigate this matter; and that there is good cause for the extension of the deadlines referenced herein, and will assist the parties in evaluating the claims of Plaintiff Kirk and lead to a potential settlement of this action.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Kirk and Defendants, MDPS, et al would request that this Court reschedule the Settlement Conference set for November 9, 2018; extend the discovery and *motion* deadlines; amend the *Case Management Order* of April 20, 2018; and continue the trial in this action set for the two (2) week term beginning on May 6, 2019; and to provide such other and further relief and

make further amendments to the Case Management Order as a result of the continuance of the May 2019 trial date in this action.

RESPECTFULLY SUBMITTED, this the 7th day of November, 2018.

OLA KRIK, PLAINTIFF

By: /s/ John M. Mooney, Jr.
JOHN M. MOONEY, JR.
HER ATTORNEY

**MISSISSIPPI DEPARTMENT OF PUBLIC
SAFETY, ET AL, DEFENDANTS**

By: /s/ Benny M. "Mac" May
BENNIE M. "MAC" MAY,
THEIR ATTORNEY